

Riverside Ag Park Contamination

The DTSC in allowing this site to proceed thru self-implemented Brownsfield cleanup under contractual agreement was incorrect. The Responsible Party (RP) is the federal government DOD who built and operated the sewage treatment plant for Camp Anza during WWII. Secondly, in the post war era a defense contractor, Rohr Corp., operated under DOD contract producing aerospace parts and sub-assemblies for the military. Rohr Corp. is identified by the city of Riverside and Army Corps of Engineers as the source of PCBs and other regulated chemical waste found at the Ag Park property. The Ag Park is undeniably a federal defense hazardous waste disposal site.

PCBs were found at the Ag Park site and thought to have been released to the environment prior to TSCA regulations circa 1978. However, a second release of liquid PCBs from a large concrete storage vessel abandoned on site occurred in 2003. The storage of PCB waste or abandonment post 1978 and the 2003 release to the environment of liquid PCB waste is regulated under TSCA.

It was improper for DTSC, the City and the Developer to provide only mis-leading information to staff at USEPA, Region 9. The USEPA staff "Memo to file" and resultant communications to DTSC, the City and the Developer that, "The site is not subject to TSCA regulation" is incorrect.

The staff memo relies heavily on citing CFR 40, Part 761.50(b)(3)(i)(A),

"Sites containing these wastes are presumed not to present an unreasonable risk of injury to health or the environment from exposure to PCBs at the site."

The author of the memo was not provided with all the information concerning the Ag Park site. The 62 acre site sits above and drains into the Santa Ana River. The EPA should have been informed that the Ag Park site released toxics to the river environment (PCBs). That the release(s) were to soil, surface waters of the Santa Ana River and ground water next to and with-in the "underground river" (the Santa Ana River) that are federally protected drinking water sources for Orange County (approx. 4 million people).

The DTSC approved clean-up leaves significant residual contamination in the soil throughout the Ag Park and in the ground water beneath the site and in the underground river/aquifer. The drinking water aquifer is contaminated and is threatened by residual contamination that will be carried with storm water off-site directly to the river. Additionally any significant rainfall or irrigation of landscaping will provide hydraulic pressure through the soil profile further threatening the ground water quality.

It is noted that the EPA memo and other communications was and is merely a staff level opinion. It is not the required formal "determination of the Regional Director" as described in CFR 40, Part 761.50 (b)(3)(i)(A)&(B).

In order to produce a regulatory cleanup decision that complies with public health and environmental protection requirements of TSCA, CERCLA, CWA and CAA, the EPA and the DTSC should have requested the Regional Director's formal decision on this site cleanup. The city and DTSC did not do so. They chose to seek the low-cost goal and avoid the "non-detect" cleanup order.